

REMARKS/ARGUMENTS

Claims 1-49 are pending in the application. Claims 1-7 and 9-49 were rejected. Claim 8 is conditionally allowable if rewritten to include the limitations of the base claim and any intervening claims.

Claims 7 and 30-32 were rejected under 35 U.S.C. § 112 as indefinite. Regarding claim 7, the Examiner asserts that the cross section of a tire is not circular. Claim 7 has been amended to recite that the tire has a substantially circular cross section about a circumferential axis at a predetermined radial distance from a center of rotation of the tire. Regarding claims 30-32, the Examiner asserts that the requirement for reduced audible noise is subjective. Claim 30 has been amended herein to require a motor and to recite that audible noise is reduced to a sound level of less than approximately 47 dbA at about 4 feet in any direction from the motor.

The applicants respectfully request that the rejection of claims 7 and claims 30-32 under 35 U.S.C. § 112 be withdrawn.

1. Fukada Does Not Anticipate

Claims 45-48 were rejected as anticipated by U.S. Pat. No. 4,525,893 to Fukada. Claim 45 requires that a drapery pull system comprise a master car and auxiliary cars having roller members received within a car compartment of a track. The master car of claim 45 is *connected to a drive system*. Each of the auxiliary cars of claim 45 includes a body rotatably supporting the roller members and extending through a slot in the car compartment. According to claim 45, the *car body is reduced in cross section adjacent the slot* with respect to adjacent portions of the car body to limit contact with the track thereby reducing noise.

Fukada discloses a curtain runner used with a curtain rail (30). The curtain runner includes a box-like body (2) having top, side, and bottom walls (16, 17, 18). Wheels (2) are rotatably mounted in the top wall (16). A sleeve (4) is mounted in a vertical bore (4) in bottom wall (18) and receives a knobbed rod (10) having a curtain ring (12) at a lower end.

The cross sectional dimensions of each side wall (17) of the Fukada curtain runner remain constant throughout the part of the side wall that includes the portion of the side wall adjacent the slot and the portions of the side walls located on opposite sides of the slot. Fukada,

therefore, does not include structure that is comparable to the required car body having dimensions that reduce in the portion of the car body adjacent the slot.

The curtain support of Fukada also does not include a drive system as required. The Examiner asserted that the Fukada system, which requires a user to manually move the curtain, includes a drive system. The assertion is erroneous. A manual system is not a driven system.

Fukada, therefore, does not include structure that is comparable to each element of claim 45 and does not anticipate claim 45.

Claims 46-48 depend from claim 45. Therefore, for at least the foregoing reasons, Fukada also does not anticipate these claims.

Claim 46 further requires that the reduced cross section portions of the car body comprise *tapered portions*. As discussed above, the cross sectional dimensions of each side wall (17) of the Fukada runner remain constant throughout the portion of the side wall adjacent the slot and the portion of the side wall on opposite sides of the slot. For this reason, therefore, in addition to the above reasons regarding claim 45, Fukada does not anticipate claim 46.

Claim 48 depends from claim 46 and further requires that a *drapery attachment* portion of each auxiliary car body *include a notch* for receiving a drapery support eye. The bottom wall (18) of the Fukada curtain runner includes bore (3) receiving sleeve (4) but does not include a notch. For this reason, therefore, in addition to the above reasons regarding claim 45 and claim 46, Fukada does not anticipate claim 48.

For the foregoing reasons, the applicants respectfully request that the rejection of claims 45-48 be withdrawn.

2. The Invention Not Obvious Based On Bratschi

Claims 22-24 were rejected as obvious based on U.S. Pat. No. 3,753,457 to Bratschi. Claim 22 requires that a motorized drapery pull system include a track, a motor, drive and idler pulleys, a drive belt received about the pulleys, and at least one *car having roller members* connected to the drive belt. The drapery pull construction of claim 22 produces an average *sound level of less than 47 dbA* at about 4 feet in any direction from the motor.

Bratschi discloses a curtain pull system including a rail (3) and a band (6) driven within the rail about pulleys (8,9) by a drive unit (Fig. 2). Sliding elements (30) engaging the band (6) are guided within slide channels (29).

Contrary to the position taken by the Examiner, it would not have been obvious to modify Bratschi to include cars having roller members in the manner claimed. Nothing in Bratschi suggests using roller members instead of sliding elements as taught by Bratschi.

In fact, Bratschi teaches away from modification in the claimed manner by teaching that the disclosed system having sliding elements (30) provides simplified construction facilitating assembly and repair. (col. 1, lines 13-26)

Bratschi also provides no suggestion of the desirability for constructing the drapery pull system for reduced noise as erroneously asserted. Instead, as discussed above, Bratschi is concerned with providing a simplified construction for ease of assembly and repair. Reducing noise is simply not contemplated.

The necessary teaching of the invention of claim 22, which is missing in Bratschi, is impermissibly supplied only through hindsight use of the applicants' disclosure. The invention of claim 22, and claims 23-24 that depend from claim 22, therefore, are not obvious based on Bratschi.

Claims 23 and 24 further require that the system include a right angle drive(s) coupling motor and drive pulley. Bratschi discloses a motor and reduction gearing but does not suggest modification to include a right angle drive(s) in the manner claimed. Again, the above-cited teaching in Bratschi that the system incorporate a simplified construction teaches away from modification of the drive system in the claimed manner. For this reason, therefore, in addition to the foregoing reasons in regard to claim 22, the invention of claims 23 and 24 are not obvious based on Bratschi.

The applicants respectfully request that the rejection of claims 22-24 based on Bratschi be withdrawn.

3. The Invention Not Obvious Based on Bratschi/Fukada/Whitley

Claims 1-5, 7, 10, 11, 15-21, 34-39 and 49 were rejected as obvious based on Bratschi, Fukada and U.S. Publication No. 2002/0162189A1 (Whitley). Claim 1 requires a

drapery pull system comprising a master car and auxiliary cars rotatably supporting roller members and driven within a track by a drive system having a motor and drive shaft. Each of the *roller members including* a portion defining a curved surface nestingly *received by curved surfaces of the track and made from a resilient material for reduced noise*. Claim 2 requires that the drive system include a drive belt and drive pulley.

Again, Bratschi teaches simplified construction having sliding members (30) and, therefore, teaches away from modification in the claimed manner to incorporate roller members and curved track surfaces. As such, Bratschi is rendered particularly defective as the primary reference relied upon to reject the invention of claim 1.

Fukada, as discussed above, does not include a drive system. Contrary to the position taken by the Examiner, the construction of the Fukada apparatus, which requires a user to manually move a supported drapery, is not analogous to a motor-driven system such as disclosed by Bratschi or the present invention. The constraints and issues presented in a motorized system by the need to house moving drive components (e.g., drive belts and pulleys) while at the same time providing engagement between the drive system and the drapery support members is not present in a non-motorized support system such as Fukada. Additional concerns such as the need for access to repair drive system components for repair, as stressed in Bratschi, are also not presented in a non-motorized drapery support.

Even assuming, *arguendo*, that Bratschi were modified to include the wheels (2) taught by Fukada, nothing in Bratschi or Fukada suggests that the wheels be made of a resilient material to reduce noise. The assertion by the Examiner regarding Bratschi and Fukada that “[n]oise and the cause of the noise in these devices is *readily recognized*” (page 4 of office action)(emphasis added) is erroneous and unsupported by Bratschi and Fukada. As discussed above, noise reduction is not contemplated in Bratschi, which is concerned with simplified construction for ease of assembly and repair. Neither is there any suggestion in the teachings of Fukada, directed to a non-motorized drapery support, that reduction of noise is desirable.

Whitley discloses a vertically-moving door (20) for a garage having panels (22) hingedly connected at their ends. The panels (22) are guided at opposite sides in tracks (28, 30) by rollers (32). The rollers (32) are rotatably mounted on brackets (56) secured to the door panels (22) adjacent the panel ends. The rollers (32), supporting each door panel at opposite

sides of the panel, include a urethane center hub (33) and an outer tire (43) of rubber or thermoplastic elastomer.

The necessary teaching, lacking in a Bratschi/Fukada combination, is not supplied by Whitley. Whitley, which is concerned with a garage door support system, fails to suggest that a motorized drapery pull system be modified to incorporate roller members instead of sliding members as taught in the simplified construction of Bratschi.

Whitley defectively lacks relevance to the present invention. One skilled in the art considering motorized drapery pull systems having drive components and horizontally translating drapery supports housed in separate compartments of an elongated track would not be motivated to resort to the teachings of Whitley, which relates to garage doors having hinged panels supported at opposite sides. The applicants disagree that Whitley is properly combinable with Bratschi and Fukada.

The teaching of claim 1 is impermissibly supplied only by hindsight use of the applicants' disclosure. Therefore, the invention of claim 1, and claims 2-5, 7, 10 and 11 that depend from claim 1, are not obvious from a combination of Bratschi/Fukada/Whitley.

Claim 15 requires a motorized drapery pull system comprising a master car and auxiliary cars rotatably supporting roller members and driven within a track housing by a drive belt. Each of the roller members and the drive belt of claim 15 comprise resilient material for reduced noise.

For at least the same reasons as claim 1, claim 15 is not obvious from a combination of Bratschi/Fukada/Whitley. Claims 16 and 17 depend from claim 15 and are, therefore, also not obvious based on the purported combination.

Claim 18 requires a drapery pull system comprising a track, drive and idler pulleys, a drive belt, and at least one drapery support car having roller members connected to the drive belt. The drapery pull system of claim 18 defines *surface interface pairs* between: (1) the *track and the belt*; (2) the *drive pulley and the belt*; (3) the *idler pulley and the belt*; and (4) the *track and the roller members*. Each of the four interface pairs includes a surface *having a hardness less than 94 durometer Shore A* to reduce noise.

For at least the same reasons as claim 1, claim 18 is not obvious from a combination of Bratschi/Fukada/Whitley.

In addition, a combination of Bratschi/Fukada/Whitley fails to provide any suggestion that *each of the four* above-mentioned surface interface pairs between moving parts of a drapery pull system comprise a surface having hardness less than 94 Shore A for reduced noise.

For this additional reason, therefore, claim 18 is not obvious from a combination of Bratschi/Fukada/Whitley. Claims 19-21 depend from claim 18 and are, therefore, also not obvious from Bratschi/Fukada/Whitley.

Claim 34 requires a drapery pull system comprising a track, drive and idler pulleys, a drive belt, and at least one drapery support car having roller members connected to the drive belt. The drapery pull system of claim 34 defines four *contact surface pairs* respectively between (1) the track and drapery support car, (2) between the drive pulley and belt, (3) between the idler pulley and belt, and (4) between the track and belt. Each of the four contact pairs includes a surface *having a hardness less than 94 durometer Shore A* to reduce noise.

For the same reasons as claim 18, claim 34 is not obvious from a combination of Bratschi/Fukada/Whitley. Nothing in these references suggests that each of the four above-mentioned contact surface pairs include a surface having hardness less than 94 Shore A.

Claims 35-39 depend from claim 34 and are, therefore, also not obvious based on the purported combination. Claim 36 further requires that the contact surface portion of the drapery support car comprise a copolymer of Butadiene and Acrylonite. The required teaching of claim 36 is not disclosed or suggested in the purported combination and, therefore, for this additional reason, the invention of claim 36 is not obvious from a combination of Bratschi/Fukada/Whitley.

Claim 49 requires a motorized drapery pull system comprising a track, drive pulley, drive belt, motor, and at least one drapery support car having roller members connected to the drive belt. The drapery pull system of claim 34 defines three *contact surface pairs* respectively (1) between the track and drapery support car, (2) between the drive pulley and belt and (3) between the track and belt. Each of the three contact pairs includes a surface *having a hardness less than 94 durometer Shore A*. The motorized drapery pull system of claim 49 produces a *sound level of less than 47 dbA* at about 4 feet in any direction from the motor..

For the same reasons as claim 34, claim 49 is not obvious from a combination of Bratschi/Fukada/Whitley. There is no suggestion in the cited references that each of the three identified contact surface pairs include a surface having hardness less than 94 Shore A.

The applicants respectfully request that the rejection of claims 1-5, 7, 10, 11, 15-21, 34-39 and 49 based on Bratschi/Fukada/Whitley be withdrawn.

4. The Invention Not Obvious Based on Bratschi/Fukada/Whitley/JP '907

Claim 6 was rejected as obvious based on Bratschi, Fukada, Whitley, and Japanese Pat. No. 3-280907. Claim 6 depends from claim 1. Claim 6, therefore, requires a motorized drapery pull system having *roller members* defining *a curved surface* of a *resilient material for reduced noise*.

Again, a combination of Bratschi/Fukada/Whitley fails to supply the necessary teaching of a motorized drapery pull having resilient material roller members for reduced noise. As discussed above, Bratschi teaches away by teaching a simplified, easily repairable, construction having sliding members (30). One considering the motorized drapery system of Bratschi would not be motivated to take the curtain runner of Fukada out of the context of its disclosure to incorporate it into the Bratschi system. The Fukada system, as discussed above, is not a motorized system and, therefore, does not present the drive housing/access/repair concerns stressed in Bratschi. Similarly, one considering the Bratschi drapery pull system would not be motivated to take the roller construction of Whitley out of the context of its disclosure. As discussed above, Whitley discloses a garage door and does not suggest use of the roller outside the disclosed context of supporting the garage door.

Regarding JP '907, it is presumed for purposes of response that this reference is cited solely for the purpose of showing a belt that includes teeth, as apparently shown in Figure 7 of JP '907. An English language translation of the Japanese text will be required in the event that the Examiner intends to attribute additional teaching to JP '907.

Therefore, JP '907, properly limited, does not supply the necessary teaching of a motorized drapery pull system having resilient material roller members for reduced noise, lacking in a Bratschi/Fukada/Whitley combination. The necessary teaching of claim 6 is impermissibly supplied only by improper hindsight use of applicants' disclosure.

For at least the foregoing reasons, the invention of claim 6 is not obvious from a combination of Bratschi/Fukada/Whitley/JP '907.

The applicants respectfully request that the rejection of claim 6 be withdrawn.

5. The Invention Not Obvious Based on Bratschi/Fukada/Whitley/Weber

Claim 9 was rejected as obvious based on Bratschi, Fukada, Whitley and U.S. Pat. No. 3,129,751 to Weber. Claim depends from claim 1 and, therefore, requires a motorized drapery pull system having *roller members* defining *a curved surface* of a *resilient material for reduced noise*.

Weber discloses a track having an elongated channel (1) in which slide members are guided (col. 2, lines 46-49). The track includes side wall portions (5, 6) having flanges (3, 4) for mounting the track to a support surface. A fastener means (9) includes wing portions (12) adapted to engage flanges (3, 4) to a support surface (2).

For the same reasons as claim 1, discussed above, a combination of Bratschi/Fukada/Whitley fails to supply the necessary teaching of a motorized drapery pull system having resilient material roller members for reduced noise. Bratschi teaches away by teaching simplified construction having slide members, and the non-motorized curtain runner of Fukada and the garage door rollers of Whitley can only be combined with the motorized drapery system of Bratschi by impermissibly taking them out of the context of their respective disclosures.

The necessary teaching of the motorized drapery system of claim 9 having resilient material roller members for reduced noise, lacking in a combination of Bratschi/Fukada/Whitley, is not supplied by Weber. In fact, the teaching in Weber of a track incorporating slide members teaches away from modification in the claimed manner thereby further weakening the combination. Weber also provides no suggestion that noise reduction is desirable and is, instead, concerned with track mounting construction. The necessary teaching of claim 9 is impermissibly supplied only through hindsight use of applicants' disclosure. Therefore, the invention of claim 9 is not obvious from a combination of Bratschi/Fukada/Whitley/Weber.

The applicants respectfully request that the rejection of claim 9 be withdrawn.

6. The Invention Not Obvious Based on Bratschi/Fukada/Whitley/Burns

Claims 40-44 were rejected as obvious based on Bratschi, Fukada, Whitley and U.S. Pat. No. 4,299,008 to Burns. Claim 40 depends from claim 34 and, therefore, as discussed above, requires a motorized drapery pull system having roller members. The claimed drapery pull system defines four *contact surface pairs* respectively between (1) the track and drapery support car, (2) between the drive pulley and belt, (3) between the idler pulley and belt, and (4) between the track and belt. Each of the four contact pairs includes a surface *having a hardness less than 94 durometer Shore A* to reduce noise.

Burns discloses a curtain rail (10) including inwardly projecting ribs (11) each having a bead portion (13) supporting a glide track (20). As shown in Figure 2, curtain runners (21) slide along the glide tracks (20), which are made from polyvinylchloride. (col. 2, line 22)

For the same reasons as claim 9, discussed above, a combination of Bratschi/Fukada/Whitley fails to supply the necessary teaching of a motorized drapery pull system having resilient material roller members for reduced noise. Bratschi teaches away by teaching simplified construction having slide members, and the non-motorized curtain runner of Fukada and the garage door rollers of Whitley can only be combined with the motorized drapery system of Bratschi by impermissibly taking them out of the context of their respective disclosures.

The necessary teaching of the motorized drapery system of claim 34 having resilient material roller members for reduced noise, lacking in a combination of Bratschi/Fukada/Whitley, is not supplied by Burns. Similar to Weber, discussed above, Burns teaches away from modification in the claimed manner by teaching a track construction adapted for sliding members thereby further weakening the combination.

Also a combination of Bratschi/Fukada/Whitley/Burns fails to suggest that the motorized drapery pull system of Bratschi be modified to include the above-mentioned four contact surface pairs in which *each of the four pairs* includes a surface having a hardness less than 94 Shore A.

The necessary teaching of claim 40, lacking in a combination of Bratschi/Fukada/Whitley/Burns, is impermissibly supplied only through hindsight use of applicants' disclosure.

For at least the foregoing reasons, claim 40 and claims 41-44 that depend from claim 40, are not obvious from a combination of Bratschi/Fukada/Whitley/Burns.

The applicants respectfully request that the rejection of claims 40-44 be withdrawn.

7. The Invention Not Obvious Based on Bratschi/Fukada/JP '907

Claims 12 and 14 were rejected as obvious based on Bratschi, Fukada and JP. Claim 12 requires a drapery support assembly comprising a track, a reversible motor, a drive shaft, a drive pulley, a drive belt, and a master car and auxiliary *cars supporting roller members comprising a resilient material for reduced noise.*

Again, a combination of Bratschi/Fukada fails to supply the necessary teaching of a motorized drapery pull having resilient material roller members for reduced noise. As discussed above, Bratschi teaches away by teaching a simplified, easily repairable, construction having sliding members (30). One considering the motorized drapery system of Bratschi would not be motivated to take the curtain runner of Fukada out of the context of its disclosure to incorporate it into the Bratschi system. The Fukada system, as discussed above, is not a motorized system and, therefore, does not present the drive housing/access/repair concerns stressed in Bratschi.

Regarding noise reduction, the Examiner errs by asserting in regard to Bratschi and Fukada that the desire for noise reduction is "readily recognized" (page 4 of office action) because, as discussed above for claim 1, neither Bratschi nor Fukada contemplate noise reduction.

The necessary teaching of a motorized drapery pull system having resilient material roller members, lacking in a combination of Bratschi/Fukada, is not supplied by JP '907. The text of JP '907 is in Japanese, and as discussed above for claim 6, the teaching of this reference is limited to a general showing that belts may include teeth.

The necessary teaching of claim 12 is impermissibly only supplied through hindsight use of the applicants' disclosure. Claim 12, and claim 14 that depends from claim 12, are not obvious from a combination of Bratschi/Fukada/JP '907.

The applicants respectfully request that the rejection of claims 12 and 14 be withdrawn.

8. The Invention Not Obvious Based on Bratschi/Fukada/JP '907/Whitley

Claim 13 was rejected as obvious based on Bratschi, Fukada, JP '907 and Whitley. Claim 13 depends from claim 12 and, therefore requires a motorized drapery pull system including resilient material roller members.

For the same reasons as claim 12, claim 13 is not obvious from a combination of Bratschi/Fukada/JP '907.

Whitley, as discussed above is directed to a garage door and its support. One considering the Bratschi drapery pull system would not be motivated to take the roller construction of Whitley out of the context of its disclosure. Also, as discussed above, the applicants disagree that Whitley is properly combinable with Bratschi and Fukada.

The necessary teaching of a motorized drapery pull system having resilient material roller members, lacking in a combination of Bratschi/Fukada/JP '907/Whitley, is impermissibly only supplied by hindsight use of the applicants' disclosure. Claim 13, therefore, is not obvious from a combination of Bratschi/Fukada/JP '907/Whitley.

The applicants respectfully request that the rejection of claim 13 be withdrawn.

9. The Invention Not Obvious Based on Fukada/Whitley

Claims 25-29 were rejected as obvious based on Fukada and Whitley. Claim 25 requires a car for a drapery pull system comprising *a car body*, drapery attachment means extending from the car body and at least one *roller member* connected to the car body. The roller members of claim 25 including a track-contacting surface *having a hardness of between about 70 and 94 Shore A* to reduce acoustic noise.

Fukada does not suggest that the wheels (2) of the disclosed curtain runner have a track contact surface having hardness in the specified range for reduced noise. Also, as discussed

above in regard to the rejection of claim 1, Fukada provides no suggestion that reduced noise is desired for the manually moved drapery support system that is disclosed.

Whitley is concerned with a garage door and its support. As discussed above, one skilled in the art would not be motivated to take the roller members of Whitley out of the context of the disclosed garage door for incorporation into the the manually moved drapery support system of Fukada. Also, as discussed above, the applicants' disagree that Whitley is properly combinable with Fukada.

The necessary teaching of claim 25, lacking in a combination of Fukada and Whitley, is impermissibly supplied only through hindsight use of the applicants' disclosure.

For the foregoing reasons, claim 25 is not obvious from a combination of Fukada and Whitley.

Claim 26 requires a car for a drapery pull system comprising *a car body*, drapery attachment means, a connecting portion extending to the drapery attachment means through a track slot, the connecting portion *having a shape that eliminates contact* with the slot.

As discussed above, the cross sectional dimensions of each side wall (17) of the Fukada runner remain constant throughout the portion of the side wall adjacent the slot and the portion of the side wall on opposite sides of the slot. The connecting portion of the Fukada runner (*i.e.*, the side walls (17)) extending through the track slot, therefore, is not shaped to limit contact with the slot. Furthermore, nothing in Fukada or Whitley suggests that the side walls (17) of the Fukada runner be modified in the claimed manner.

The necessary teaching of claim 26, lacking in a combination of Fukada and Whitley, is impermissibly supplied only through hindsight use of the applicants' disclosure.

For the foregoing reasons, claim 26 is not obvious from a combination of Fukada and Whitley.

Each of claim 27-29 depend from claim 26 and, therefore, are also not obvious from a combination of Fukada and Whitley. Claim 28 further requires that *the width of the connecting portion is less than 25 percent of slot width*. Referring to Figure 8 of Fukada, the sidewalls (17) clearly occupy more than 25 percent of the width of the slot in rail (30). Furthermore, nothing in Fukada or Whitley suggests that the sidewalls (17) of Fukada be

modified in the claimed manner. For this reason, in addition to the foregoing reasons regarding claim 26, the invention of claim 28 is not obvious from a combination of Fukada and Whitley.

The applicants respectfully request that the rejection of claims 25-29 be withdrawn.

10. The Invention Not Obvious Based on Comeau

Claims 30 and 32 were rejected as obvious based on U.S. Pat. No. 4,492,262 to Comeau. Claim 30, as amended, requires a drapery pull system comprising a track, a master car body, a motor, *a drive belt* and at least one roller member connected to the car body. The drive belt of claim 30 has a *hardness of between 80-94* durometer Shore A. The *sound level produced by the system* of claim 30 *is less than approximately 47 dbA* at about 4 feet in any direction from the motor.

Comeau discloses a curtain rod (10) having telescoping members (12, 14). Master carriers (16, 18) are translated within rod (10) by a motor-driven tape (62; Figs. 9-10). The tape is plastic and is perforated to engage teeth (64) of a sprocket (46).

Referring to Figures 9-10, Comeau discloses a thin plastic tape. Comeau does not suggest modification of the disclosed telescoping curtain rod to include a belt having hardness in the range of the drive belt of claim 30. Also, Comeau fails to suggest any desirability of reduced noise. Instead, Comeau is concerned with reduced expense and adjustable length. (col. 2, lines 3-8)

The necessary teaching of claim 30, lacking in Comeau, is impermissibly supplied only through hindsight use of the applicants' disclosure. Claim 30, therefore, is not obvious from Comeau.

Claim 32 depends from claim 30 and is, therefore, also not obvious from Comeau. Claim 32 further requires that the drive belt comprise *an internal support mechanism for increased tensile strength*. Comeau does not suggest that the disclosed tape (62) be modified in the claimed manner to include an internal support mechanism. For this reason, in addition to the foregoing reasons regarding claim 30, claim 32 is not obvious from Comeau.

The applicants respectfully request that the rejection of claims 30 and 32 be withdrawn.

11. The Invention Not Obvious Based on Comeau/JP '907

Claim 31 was rejected as obvious based on Comeau and JP. Claim 31 depends from claim 30, discussed above, and therefore requires a drapery pull system comprising a track, a master car body, a motor and *a drive belt having a hardness between 80-94 Shore A and producing a sound level less than approximately 47 dbA.*

For the same reasons discussed above in regard to claim 30, claim 31 is not obvious from Comeau.

The necessary teaching of a motorized drapery pull system having a drive belt with a hardness between 80-94 and producing a sound level less than 47 dbA in the manner claimed, lacking in Comeau, is not supplied by JP '907. The text of JP '907 is in Japanese, and as discussed above for claim 6, the teaching of this reference is limited to a general showing that belts may include teeth.

The necessary teaching of claim 31, lacking in Comeau and JP '907, is improperly supplied by hindsight use of the applicant's disclosure. The invention of claim 31 is, therefore, not obvious based on Comeau and JP '907.

The applicants respectfully request that the rejection of claim 31 be withdrawn.

12. The Invention Not Obvious Based on Comeau/Heyer

Claim 33 was rejected as obvious based on Comeau and U.S. Pat. No. 3,365,966 to Heyer. Claim 33 depends from claim 30 discussed above and therefore requires a drapery pull system comprising a track, a master car body, a motor and *a drive belt having a hardness between 80-94 Shore A and producing a sound level less than approximately 47 dbA.*

Heyer discloses a drive belt (10) including teeth (12') and embedded steel wires (14).

Again, Comeau does not suggest modification of the telescoping curtain rod to include a belt having hardness in the range required by claim 33. Also, Comeau fails to suggest any desirability of reduced noise. Instead, Comeau is concerned with reduced expense and adjustable length. (col. 2, lines 3-8).

The necessary teaching of claim 33, lacking in Comeau, is not supplied by Heyer. Heyer does not suggest modification of the telescoping curtain rod of Comeau to include a belt having hardness in the specified range. Heyer also does not suggest any desirability for noise reduction. Instead, Heyer is concerned with effective belt drive without undue wear resulting. (col. 1, lines 25-51)

The necessary teaching of claim 33, lacking in Comeau and Heyer, is impermissibly supplied only through hindsight use of the applicants' disclosure. Therefore, the invention of claim 33 is not obvious based on Comeau and Heyer.

The applicants respectfully request that the rejection of claim 33 be withdrawn.

It is submitted that the application is now in condition for allowance. If the Examiner believes that direct communication would advance prosecution, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

JASON C. KILLO *et al.*

BY: 

GREGORY J. LAVORGNA
Registration No. 30,469
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Sts.
Philadelphia, PA 19103-6996
Tel: 215-988-3309
Fax: 215-988-2757

Attorney for Applicants